

## **REMARKS**

Claims 1-9 are pending in the application and are rejected under 35 U.S.C. 103(a) as being unpatentable over Brockelsby et al. (US 5,164,732, US 5,192,954, and US 5,196,846) in view of Cohn (US 5,387,916), Asbury et al. (US 5,510,794), or Haddad et al. (US 2003/0137435), and further in view of Yoshida (EP 0 917 109).

Please enter the amendments to Claims 1 and 4. No new matter has been added.

Regarding the rejection of Claim 1, the Examiner states that “the argument that the prior art fails to show an RFID device ‘installed in the road’ is more specific than what the claim recites. The claim recites an RFID chip installed on a predetermined location of a road.” Claim 1 has been amended to recite an RFID chip installed on a road surface. None of the cited references disclose or suggest using an RFID chip installed *on* the road surface at predetermined locations as recited in amended Claim 1. All the Brockelsby references teach installing antennas in the road and do not teach or suggest using an RFID chip. The Examiner uses the remaining references to show installing transponders in a fixed location and readers in vehicles. Haddad, however, does not teach fixed transponders and the remaining references do not teach or suggest using RFID chips. Based on at least the foregoing, withdrawal of the rejection of Claim 1 is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-9, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-9 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-9, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

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